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REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

2. **Response to Arguments**

In the last paragraph of this section, the Examiner asserted as follows (emphasis added):

> "Call teaches in Fig. 2 and [column 6, lines 54-67] a database including URL Table, Cross-Reference Table and Company Table which link together wherein each value of CoNo (Company ID) represents a resource which have a URL and other cross referencing information including information about company, codes assigned to that company **which can be considered as descriptive information about the company** (represented by its web site or web server).

The Examiner is in error has incorrectly read, interpreted, and thus examined the independent Claims.

The independent Claims are directed to descriptive information about the resource and not the company. The language of the independent Claims unambiguously recite substantive descriptive information concerning the resource.

Indeed, the heart of the invention is clearly described in the Specification as follows (emphasis added):

> (On page 1, line 28-32)
> Uniform Resource Identifiers (URI) and Universal Resource Locators (URL) are short strings that identify resources in the Internet (or Web).

Examples of resources are: documents, images, downloadable files, services, electronic mailboxes, etc. The URIs and URLs make resources available under a variety of naming schemes and access methods such as HTTP, FTP, and Internet mail uniformly addressable.

(On page 2, lines 17-31)

A preferred embodiment of the invention provides a database is that contains a cross-reference of metadata information to a service provider ID number or universal resource identifier (URI). A service provider ID number is keyed to information about a specific resource from a service provider. **The metadata information can contain a description of the resource**, the universal resource locator (URL) for the resource, and any other pertinent information that may be associated with the resource. The invention uses a constant ID number for a service provider and its resource.

A resource requestor uses the ID number for requesting metadata information for the desired service provider resource. The ID number is cross referenced with the proper information for the resource and the resource is then addressed by the resource requestor using the URL. The resource requestor uses the metadata information as needed and accesses the resource using the URL in the metadata information. **The resource requester is unaffected by updates to a resource's description** or address by the service provider.

Further, the Call reference itself shows the nonequivalence by its description of its Product Code Translator (col. 5, lines 29-42; emphasis added):

The product code translator seen at 101 in FIG. 1 performs two primary functions illustrated in FIG. 2: (1) **its registration handler 203 accepts cross-references submitted by manufacturers which relate their**

> **assigned universal product codes to associated Internet addresses where information relating to their products may be obtained**, and (2) its query handler 204 accepts queries via the Internet 205, each query including all or part of one or more universal product codes, and returns the Internet addresses which can be used to obtain information about the products identified by those codes. The product code translator 101 may also advantageously perform other functions, examples of which are described below.

Clearly, from the above, the Call reference only teaches going to an Internet address to obtain information relating to the product.

Then, the Call reference distinguishes descriptive information about the company, which is not the same as the information about the product (Col. 6, lines 54-63, emphasis added):

> The information contained in the incoming registration template 207 is used to create records (rows) in three separate tables in the relational database: a company table 211, a URL table 213 and a cross-reference table 215. As seen in FIG. 2, the company table 211 includes a numerical company number field CoNo which is also present in the cross-reference table 215 **so that each cross-reference table row can be related to a particular company description record in the company table which has the same CoNo value.**

For the Examiner to reject the claimed invention as being anticipation because the prior art discloses a "Company Table" and "a particular company description record in the company table which has the same CoNo value," is incorrect because the company is not equivalent to Applicant's resource. Hence, descriptive information about the company is not equivalent to descriptive information concerning the resource.

The Examiner's attention is directed to MPEP 2184 Determining Whether an Applicant Has Met the Burden of Proving Nonequivalence After a *Prima Facie* Case Is Made [R-2] (emphasis added)

> The specification need not describe the equivalents of the structures, material, or acts corresponding to the means-(or step-) plus-function claim element. See *In re Noll*, 545 F.2d 141, 149-50, 191 USPQ 721, 727 (CCPA 1976) (the meaning of equivalents is well understood in patent law, and an applicant need not describe in his specification the full range of equivalents of his invention) (citation omitted). *Cf. Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986) ("a patent need not teach, and preferably omits, what is well known in the art"). Where, however, the specification is silent as to what constitutes equivalents and the examiner has made out a *prima facie* case of equivalence, the burden is placed upon the applicant to show that a prior art element which performs the claimed function is not an equivalent of the structure, material, or acts disclosed in the specification. See *In re Mulder*, 716 F.2d 1542, 1549, 219 USPQ 189, 196 (Fed. Cir. 1983).
>
> If the applicant disagrees with the inference of equivalence drawn from a prior art reference, **the applicant may provide reasons why the applicant believes the prior art element should not be considered an equivalent to the specific structure, material or acts disclosed in the specification. Such reasons may include, but are not limited to:**
>
> (A) Teachings in the specification that particular prior art is not equivalent;
>
> **(B) Teachings in the prior art reference itself that may tend to show nonequivalence;** or

(C) 37 CFR 1.132 affidavit evidence of facts tending to show nonequivalence.

Applicant has *at least* provided hereinabove reasons why Applicant believes the prior art element should not be considered an equivalent to the specific structure material or acts disclosed in the specification. Applicant has also applied (B) by showing that the teachings in the prior art reference itself that may tend to show nonequivalence.

3. **35 U.S.C. §102**

Claims 1-26 stand rejected under 35 U.S.C.§102(b) as being anticipated by Call (US Patent No. 6,154,738.)

Applicant respectfully traverses. Applicant incorporates herein Applicant's remarks from previous responses.

Claim 13

The Examiner asserted that "wherein information about the manufacturer is a resource description."

Applicant incorporates herein the discussion hereinabove under Response to Arguments. Applicant respectfully submits that the Examiner's interpretation is erroneous and that "information about the manufacturer" is not equivalent to "a resource description" in view of the Specification.

Nevertheless, Applicant has amended the independent Claims to further clarify the invention. No new matter has been added.

Applicant is of the opinion that in view of the amendment to the independent Claims and of the discussion hereinabove, the independent Claims and the respective dependent Claims overcome the rejection and are in condition for allowance. Applicant respectfully requests that the Examiner withdraw the rejection of Claims under 35 U.S.C. §102(b).

4. **Withdrawal of Final Rejection**

Applicant respectfully points out that the Examiner has already performed a search including the specific structure/method of the substantive descriptive information concerning the resource (Claim 8) inherently comprising a description of the resource (Claim 13's uses the retrieved resource information to display the resource description to a user.)

Further, in view of the discussion hereinabove, Applicant is of the opinion that the Examiner failed to properly interpret the Claim language in view of the Specification.

Applicant respectfully points out that the amendment to the Claims add no new matter other than what was already claimed, *e.g.* Claims 8 and 13. Applicant has simply amended the Claims for clarification. Applicant respectfully requests that the Primary Examiner reconsider the finality of the rejection pursuant to MPEP 706.07(d).

5. It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at

a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

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CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response. The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 07-1445.

Respectfully Submitted,

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